

REMARKS

Claims 1-16 are all the claims pending in the application. This Amendment amends claims 1, 3, 6, 8, 11, 12, 13, 15, and 16, adds claims 17-19, and addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

Applicant wishes to clarify the record with regard to the Preliminary Amendment filed October 2, 2000. As evidenced by the filing receipt provided with the courtesy copy of the Amendment provided January 22, 2004, the Preliminary Amendment should be characterized as being of October 2, 2000. Additionally, the USPTO's failure to provide the Examiner a copy of the Amendment prior to the issuing of the Action of January 2, 2004, was the result of a USPTO error, such that any adjustment of patent term to which the Applicant may be entitled should not be prejudiced.

Applicant thanks the Examiner for acknowledging the claim for foreign priority under 35 U.S.C. § 119, and noting that the priority documents have been received.

Drawings

The drawings were objected to "because all of the elements are shown merely as boxes with numeric references." Attached are replacement drawings believed to address the Examiner's objections. In the new drawings, Fig. 2 is divided into Figs. 2A and 2B. Corresponding amendment is made to the specification. No new matter is added. Entry, consideration, and acknowledgement of the replacement drawings are requested.

Claim Objections

Claim 6 is objected to for reciting “ the respective other VoIP adapter unit,” which the Examiner asked be reworded. Claim 7 is objected to for depending from claim 6. Applicant thanks the Examiner for suggesting clarifying wording, and has amended claim 6.

Reconsideration and withdrawal of the objection are requested.

Claim Rejections - 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claims 15 and 16 “because it is unclear whether they are dependent or independent claims.” Applicant has rewritten claims 15 and 16 in independent form.

Additionally, in claim 15, the “means for establishing” is amended to replace “terminal” with “telephone”, and “preferably a personal computer,” is removed from claim 16, in view of new claim 17. The “means for establishing” is also amended to replace “terminal” with “microcomputer”. Reconsideration and withdrawal of the §112 rejection is requested.

Prior Art Rejections

No prior art is asserted against claims 6 and 7. Claims 1-5 and 8-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,809,128 to McMullin (“McMullin”). Claims 12-16 are rejected under 35 U.S.C. § 103(a) as unpatentable over McMullin in view of U.S. Patent 6,104,716 to Crichton *et al.* (“Crichton”).

McMullin discloses a method of call handling when a caller calls at a same time that the party called is online via a computer modem. The Examiner cites Crichton for suggesting a firewall for inspecting incoming packets to see if they came from a server.

The procedure used in McMullin is completely different than of the present invention. In particular, McMullin's proxy relies on there being an established modem connection to the called party's computer, whereas the present application discloses placing a telephone call to the called party, relying on telephone network identification signaling (*e.g.*, POTS' "caller ID") to alert the called party's adapter to the fact that the server is trying to establish a data connection.

To better distinguish the claimed subject matter, Applicant amends the claims to recite "a telephone number" and "a telephone call," since the Examiner is relying on IP-based signaling in McMullin for these features. Applicant submits that the McMullin and Crichton, either individually or in combination, fail to teach or suggest the concepts of the present invention as expressed in the amended claims.

Additionally, Applicant adds claims 18 and 19, which describe that the telephone call from the server is not accepted if the server is recognized. No new matter is added.

Reconsideration and withdrawal of the

Additionally, as an editorial matter, in claim 12, the *means for retrieving* is amended

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/676,675

Attorney Docket: Q60673

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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